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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/570,918

12/15/2006

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757 7590 01/26/2010  
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EXAMINER

ENGLISH, JAMES A

ART UNIT

PAPER NUMBER

3616

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/570,918	<b>Applicant(s)</b> HELBIG ET AL.	
	<b>Examiner</b> James English	<b>Art Unit</b> 3616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 16 October 2009.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-5 and 7-11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5 and 7-11 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)         | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)         | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 1, 4-5, and 8-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Klages et al. (US 5,560,647) in view of Gray et al. (US 2002/0153710) and Masubuchi et al. (US 6,316,068).

With respect to claim 1, Klages et al. discloses a housing (10) comprising: a main housing structure (Modified Fig. 4 – below) and a housing cover (Mod. Fig. 4) that is connected with the main housing structure to define a hollow space (Mod. Fig. 4; col. 3, lines 10-12) for accommodation of the gas generator and the airbag, the housing cover (10) is configured to have an outer side (12) that faces the vehicle occupants when installed in the motor vehicle, the housing cover (10) having an inner side (14) opposite the outer side (12), the inner side (14) having at least one side edge material weakness (36, 38) formed therein which is torn open upon deployment of the airbag defining an edge (40) of the housing cover (10) (col. 2, lines 40-43, lines 63-67, col. 3, lines 1-5), the inner side (12) having a hinge material weakness (28; Mod. Fig. 4) formed therein defining a hinge (28) that folds without tearing (Fig. 5) to form a cover flap (42; Fig. 5) upon deployment of the airbag to open the housing cover (10), the cover flap (42) having a portion of the housing cover (10) including the edge (40), the side edge

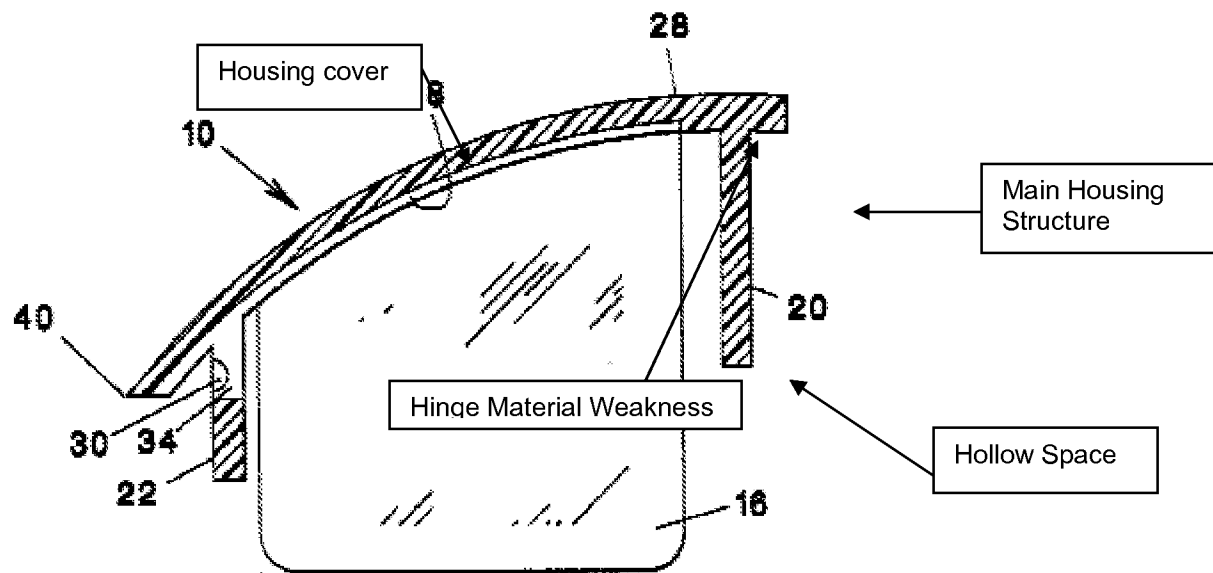
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material weakness (36, 38) and hinge material weakness (28) are invisible (col. 3, lines 5-6) as viewed along the outer side of the housing cover by the vehicle occupants, and the housing cover (Mod. Fig. 4) is connected (32, 34) with the main housing structure (Mod. Fig. 4) by a perforated section (30; col. 2, lines 48-51) that tears open upon deployment of the airbag allowing the hinge (28) to fold, wherein the perforated section (30) has one or more perforations (col. 2, lines 51-52) formed completely through a part of the main housing structure that extends away (Figs. 2-4) from the housing cover adjacent to the inner side (14) and which is covered by the housing cover when installed in the motor vehicle so as to not be visible to the vehicle occupants (col. 1, lines 48-50.) Klages et al. discloses an airbag canister housing (col. 3, lines 10-12) but does not disclose a gas generator and an airbag. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have the airbag canister housing in Klages et al. contain a gas generator and airbag as it is well known in the art that an airbag housing contains an airbag and gas generator. Klages et al. anticipates the inner side having a hinge material weakness formed therein defining a hinge as the ends of the grooves (36, 38). (Col. 2, lines 63-67 and col. 3, lines 1-6.) In the alternative, Gray et al. discloses the inner side (17) of the airbag cover (10) having a hinge material weakness (50) formed therein defining a hinge. (Fig. 3, paragraphs 115-116.) It would have been obvious to one having ordinary skill in the art at the time the invention was made to have the hinge material weakness formed in the inner side defining a hinge as described in Gray et al. into the invention of Klages et al. to facilitate proper airbag deployment. (Paragraph 116, lines 1-4.) Klages et al. discloses the hinge

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(28) as the reduced material on the underside of the housing cover (Mod. Fig. 4) at the ends of the grooves (36, 38) (Fig. 3-4.) but is silent regarding a flat based groove.

Masubuchi et al. teaches of using a hinge material weakness configured as a flat based groove defining a hinge. (Fig. 4, col. 17, lines 17-26.) It would have been obvious to one having ordinary skill in the art at the time the invention was made to have the hinge material weakness formed as a flat based groove as described in Masubuchi et al. into the invention of Klages et al. to allow the airbag cover to more easily bend out of the direction of the airbag. (Col. 17, lines 24-26.)



With respect to claim 4, Klages et al. discloses the perforated section (30) is formed on a vehicle body side housing section (Mod. Fig. 4 - above) of the housing (10). The perforated section is concealed from the occupant and is located inside the vehicle formed on a vehicle body side housing section (Mod. Fig. 4) of the housing. (Figs. 2-3, col. 1, lines 47-53.)

With respect to claim 5, Klages et al. discloses the perforated section (30) has the one or more perforations formed between bridges, which create a connection between a vehicle body side housing section and the housing cover of the housing and wherein the connection fails upon deployment of the airbag causing the housing cover to tear away from the main housing structure as the housing cover tears at the at least one side edge material weakness (36, 38) and hinges about the hinge material weakness (28). (Fig. 4, col. 2, lines 44-54 and col. 3, lines 10-29.)

With respect to claim 8, Klages et al. discloses the hinge material weakness (28) is formed on the inner side (14) of housing cover (10), which is close to and parallel to an axis of rotation of the housing cover (10) upon deployment of the airbag. (Fig. 5.)

With respect to claim 9, Klages et al. discloses the hinge material weakness (28) in the area of a flap axis is formed in such a way that the housing cover (10) does not tear open there. (Fig. 5.)

With respect to claim 10, Klages et al. discloses the housing (10) comprises a plastic material. (Col. 1, lines 44-46.)

2. Claims 3, 7 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Klages et al., Gray et al. and Masubuchi et al. as applied to claim 1 above, and further in view of Enders (US 5,799,970).

With respect to claims 3, Klages et al., as modified, discloses the perforation section (30) defines an axis of a tear line (Fig. 3) of perforation that is oriented generally perpendicular, not parallel, to a vertical axis of the motor vehicle. Klages et al. discloses the airbag cover is adapted to the field of automotive airbags but does not specifically

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disclose application to side airbags. (Col. 1, lines 5-7.) Enders teaches of a side airbag with a cover (36) arranged vertically in the vehicle seat. (Fig. 1, col. 5, lines 50-62 and col. 6, lines 16-42.) It would have been obvious to one having ordinary skill in the art at the time the invention was made to have the airbag cover placed vertically in a vehicle seat as described in Enders into the invention of Klages et al., as modified, to facilitate proper airbag deployment, wherein the perforation section (30) would have a tear line axis parallel to the vehicle's vertical axis.

With respect to claim 7, Klages et al., as modified, discloses the perforated section (30) is arranged generally horizontally, not vertically, and the at least one side edge material weakness (36, 38) and the hinge material weakness (28) are arranged generally horizontally, not vertically, to one another. Enders teaches of a side airbag with a cover (36) arranged vertically in the vehicle seat. (Fig. 1, col. 5, lines 50-62 and col. 6, lines 16-42.) It would have been obvious to one having ordinary skill in the art at the time the invention was made to have the airbag cover placed vertically in a vehicle seat as described in Enders into the invention of Klages et al. to facilitate proper airbag deployment, wherein the perforation section (30) would be arranged vertically and the at least one side edge material weakness (36, 38) and the hinge material weakness (28) would be arranged vertically to one another.

With respect to claim 11, Klages et al., as modified, discloses the airbag cover is adapted to the field of automotive airbags but does not specifically disclose application to side airbags. (Col. 1, lines 5-7.) Enders teaches of a side airbag with a cover (36) arranged vertically in the vehicle seat. (Fig. 1, col. 5, lines 50-62 and col. 6, lines 16-

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42.) It would have been obvious to one having ordinary skill in the art at the time the invention was made to have the airbag cover used in a side airbag device as described in Enders into the invention of Klages et al. to facilitate proper airbag deployment.

### ***Response to Arguments***

3. Applicant's arguments with respect to claims 1, 3-5 and 7-11 have been considered but are moot in view of the new ground(s) of rejection.

4. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., the hinge as a flat based groove) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

### ***Conclusion***

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The references cited on the PTO-892 form disclose similar features of the claimed invention.

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).



A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James English whose telephone number is (571)270-7014. The examiner can normally be reached on Monday - Friday, 8:00 - 4:30 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul N. Dickson can be reached on (571)272-7742. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/James English/  
Examiner, Art Unit 3616

/Paul N. Dickson/  
Supervisory Patent Examiner, Art Unit 3616